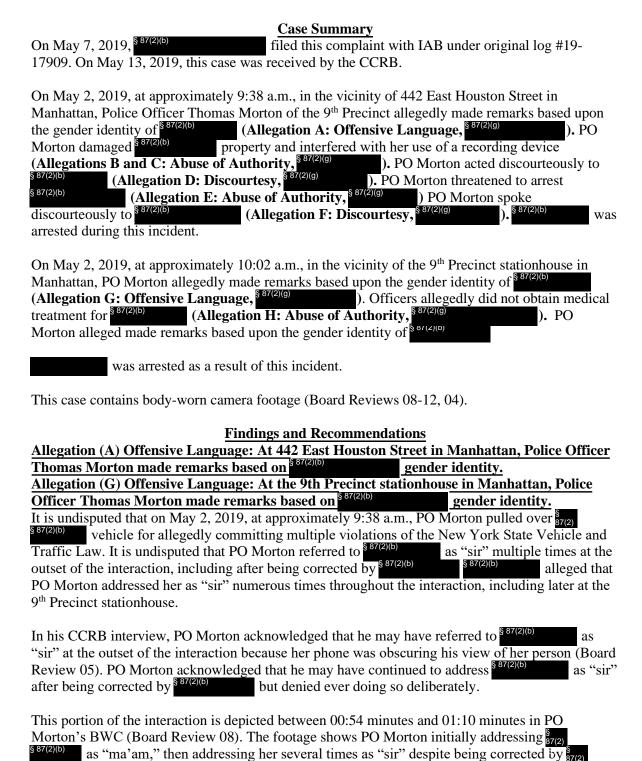
## **CCRB INVESTIGATIVE RECOMMENDATION**

Investigator		Team:	CCRB Case #:	П Батт		7 Discourt	
Investigator:				☐ Fore		_	_
Charlie Hartford		Squad #8	201904129	<b>☑</b> Abu	se v	O.L.	☑ Injury
Incident Date(s)		Location of Incident:		Precin	nct: 1	18 Mo. SOL	EO SOL
Thursday, 05/02/2019 9:38 AM, Thursday, 05/02/2019 10:02 AM		442 East Houston Street and the 9th Precinct stationhouse		09		11/2/2020	6/19/2021
Date/Time CV Reported		CV Reported At:	How CV Reported:	: Date	/Time Re	eceived at CCI	RB
Tue, 05/07/2019 10:41 PM		IAB	Phone	Mon	, 05/13/2	019 11:21 AN	Л
Complainant/Victim	Туре	Home Addre	dress				
Subject Officer(s)	Shield	TaxID	Command				
1. POM Thomas Morton	02398	925787	009 PCT				
2. Officers	02370	723101	007121				
Witness Officer(s)	Shield N	o Tax No	Cmd Name				
1. SGT Daniel Miranda	01281	934001	MAN CT				
2. SGT Shaminul Karim	01171	917803	009 PCT				
3. POM Zachery Zinaman	16519	960081	009 PCT				
4. POM Tong Jiang	02362	961838	009 PCT				
Officer(s)	Allegatio	on			Investi	gator Recon	nmendation
A.POM Thomas Morton		guage: At 442 East House fficer Thomas Morton magender identit	nade remarks based				
B.POM Thomas Morton		Abuse: At 442 East Houston Street in Manhattan, Police Officer Thomas Morton damaged § 87(2)(5)					
C.POM Thomas Morton	Officer T	Abuse: At 442 East Houston Street in Manhattan, Police Officer Thomas Morton interfered with \$87(2)(b) use of a recording device.					
D.POM Thomas Morton		Discourtesy: At 442 East Houston Street in Manhattan, Police Officer Thomas Morton acted discourteously toward					
E.POM Thomas Morton		at 442 East Houston Stre Thomas Morton threaten					
F.POM Thomas Morton		esy: At 442 East Housto fficer Thomas Morton sp					
G.POM Thomas Morton		guage: At the 9th Precin an, Police Officer Thoma \$ 87(2)(b) gend		narks			
H. Officers		at the 9th Precinct station lid not obtain medical tr		n,			



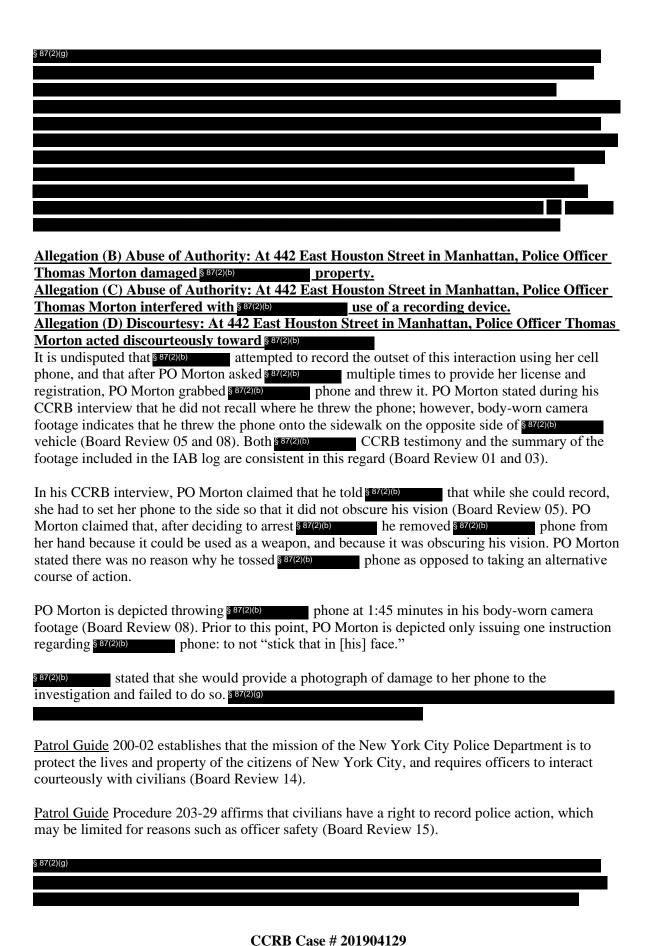
<u>Patrol Guide</u> Procedure 203-10 prohibits officers from making disparaging remarks based upon an individual's gender identity and instructs officers to address members of the public by their preferred pronouns (Board Review 13).

There is no video evidence that depicts PO Morton interacting with § 87(2)(b)

9<sup>th</sup> Precinct stationhouse.

§ 87(2)(b)

at the



§ 87(2)(g)
Allegation (E) Abuse of Authority: At 442 East Houston Street in Manhattan, Police Officer
Thomas Morton threatened to arrest \$\frac{87(2)(b)}{2} \] At 2:55 minutes in PO Morton's BWC, \$\frac{87(2)(b)}{2} \] attempts to hand her phone to an unidentified individual, at which time PO Morton, who is attempting unsuccessfully to handcuff \$\frac{87(2)(b)}{2} \] states, "Do not get involved, you will be arrested too" (Board Review 08). PO Morton stated during his CCRB interview that this individual would have been arrested for Obstruction of Governmental Administration (Board Review 05).
NYS Penal Law § 195.05 states that a person is guilty of obstructing governmental administration when he intentionally prevents or attempts to prevent a public servant from performing an official function by means of physical force or interference (Board Review 06).
§ 87(2)(g)
Allegation (F) Discourtesy: At 442 East Houston Street in Manhattan, Police Officer Thomas  Morton spoke discourteously to \$87(2)(b)  It is undisputed that PO Morton told \$87(2)(b)  "You are stupid," and stated that she would be receiving a whole "shitload" of charges. These statements may be heard at 03:44 minutes and 06:24 minutes in PO Morton's BWC, respectively (Board Review 08).
In his CCRB interview, PO Morton offered no explanation for making the above-referenced statements, aside from stating that he was winded, that he found it ridiculous that \$87(2)(b) reacted in the manner that she did to receiving a traffic ticket, and that the word "shitload" was not directed at \$87(2)(b) (Board Review 05).
<u>Patrol Guide</u> 200-02 requires officers to interact courteously with civilians (Board Review 14).
In <u>Disciplinary Case No. 2017-17005</u> , the Deputy Commissioner of Trials noted that it has consistently held that "profane remarks, made during stressful situations or while an officer is trying to get a chaotic situation under control, are not misconduct" (Board Review 16). The court found that an officer telling a bystander complaining of excessive force to "shut the fuck up" had committed misconduct because the situation was "not so chaotic that the duty of courteous and professional behavior should be overridden by the immediate need to maintain order."
§ 87(2)(g)

Allegation (H) Abuse of Authority: At the 9th Precinct stationhouse in Manhattan, officers did not obtain medical treatment for \$87(2)(5)
In her sworn statement, \$87(2)(b) claimed that she complained of pain to her shoulder, which she incurred while PO Morton handcuffed her, throughout the entire interaction, beginning with when she was presented at the front desk at the stationhouse (Board Review 03). \$87(2)(b) claimed that she made this complaint to "everyone," and did not further specify to whom she made this complaint. \$87(2)(b) did not respond to numerous attempts to contact her following her sworn statement. \$87(2)(b) initial complaint was consistent with her sworn statement (Board Review 01).
While structure is depicted being presented in front of the 9 <sup>th</sup> Precinct stationhouse desk on PO Jiang's body-worn camera footage (Board Review 10), structure is not depicted complaining of pain to her shoulder or requesting medical treatment at any point in any officer's body-worn camera footage (Board Reviews 08-12).
stated that she requested medical treatment over an extensive period of time, during which she interacted with numerous officers, without providing additional information about to whom she made this complaint. § 87(2)(9)
whom she made this complaint.
Civilian and Officer CCRB Histories
<ul> <li>This is \$87(2)(b) third CCRB complaint and the first to be fully investigated by the agency (Board Review 17).</li> <li>PO Morton has been a member of service for 19 years. He has been the subject of 20</li> </ul>
allegations in 6 prior cases.  In CCRB 201608693 and CCRB 200502286, PO Morton was the subject of unsubstantiated allegations regarding verbal discourtesy. In the former case, PO Morton was also the subject of unsubstantiated allegations regarding offensive language – sexual orientation, while in the latter PO Morton was the subject of unsubstantiated allegations regarding a threat of arrest.  In CCRB 201608693, PO Morton was the subject of a substantiated chokehold allegation. The CCRB recommended Command Discipline A, while the NYPD instituted no penalty.
Mediation, Civil and Criminal Histories  This case was not eligible for mediation.  A FOIL request submitted to the NYC Comptroller's Office indicates that as of November 20, 2019, \$87(2)(b) had not filed a Notice of Claim regarding this incident (Board Review 18).  [\$87(2)(b)][\$\$\$\$65(1)(3)&(4)][\$87(2)(c)]
Squad No: 8

Investigator:	Charlie Hartford	Inv. Charlie Hartford	6/1/20
	Signature	Print Title & Name	Date
Squad Leader:			
•	Signature	Print Title & Name	Date
Reviewer:			
	Signature	Print Title & Name	Date